THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.10460 OF 1997

ORAL ORDER:

The Senior Divisional Commercial Manager, South Eastern Railways, Visakhapatnam, is the petitioner, who seeks a writ of certiorari to call for records relating to the order dated 11.11.1995 in Application No.3/95, on the file of the Regional Labour Commissioner (Central) and the Authority under the Minimum Wages Act, Hyderabad, and to quash the same as arbitrary and illegal.

The impugned order was passed on an application made by 280 loading and unloading labour of Visakhapatnam Railway Station under Section 21(1) of the Minimum Wages Act, 1948, for payment of minimum wages for the period from 1.11.1994 to 30.11.1994. The 1st respondent having heard both the parties, by order dated 11.11.1995, directed the Railways to pay a sum of Rs.52,770/- towards minimum wages along with two times compensation. The said order is challenged by the petitioner-Railways on various grounds.

When the matter is taken up for consideration, it is brought to my notice by the learned counsel appearing for the petitioner that the very same order passed by the 1st respondent is the subject matter of W.P.No.571 of 1996, which was partly allowed by this Court by order dated 19.10.2000, holding that the award of compensation in addition to the difference of wages is not justified and, accordingly, set aside that portion of the order. A perusal of a copy of the order in the said writ petition shows that the said writ petition was filed by the Railways only against the Applicant No.1 in Application No.3/95, and the order in the said writ petition was confined only against him, who was arrayed as respondent No.2 in that writ petition. In this writ petition the Railways seek relief against the other 280 labourers.

Having heard the learned counsel for the petitioner and having perused the order in W.P.No.571 of 1996, which has become final, I do not find any justifiable reason to take a different opinion than that was

expressed in the said order.

Accordingly, the impugned order to the extent of awarding compensation, in addition to the difference of wages is set aside and the writ petition is disposed of confirming the impugned order so far as the direction for payment of difference of minimum wages is concerned. No costs.

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(G. ROHINI, J.)

14th August, 2006.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.10460 OF 1997

14th August, 2006.

Between:

S.K. Mishra, Senior Divisional Commercial Manager, South Eastern Railways, Visakhapatnam, Visakhapatnam district. ..
Petitioner.

And

The Regional Labour Commissioner (Central) the Authority under Minimum Wages Act, Hderabad and others. .. Respondents.